

Original

United States District Court
For The District of Nevada
(Las Vegas)

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
APR 08 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

Charles E. Cooper Jr.
Movant,

Case No. 2:14-CR-00228-JAD-CWH
Emergency Motion For
Sentence Reduction Pursuant
to Title 18 § 3582(c)(1)(A)(i)

v.
United States of America,
Respondent

Comes now, Charles E. Cooper, Jr pro se, ~~with~~^{with c.c.} with this "Emergency Motion" and requests a sentence reduction based upon Compelling and Extraordinary circumstances, due to the rapidly spreading CoronaVirus within the BOP and Movant's at risk health. As set forth more fully in the attached motion, and all matters of record, Movant's motion should be Immediately Granted.

-Statement of Facts-

Movant is a 53 year old federal inmate that suffers from Asthma, he has had both his tonsils, and adenoids removed due to breathing complications. Movant has chronic sleep apnea where he stops breathing in his sleep, he is currently awaiting a CPAP Breathing machine from the BOP. Lastly Movant has been diagnosed as having an irregular heart beat.

Under title 18 § 3582 (c)(1)(A)(i) district courts have the discretion to grant sentence reductions based upon "Extraordinary and Compelling" circumstances.

Movant has requested through electronically written requests to his Unit Team and the Warden at F.C.I Safford low a compassionate release due to his compromised immune system and the unforeseen Covid-19 pandemic, to no avail. Movant has been told in electronic response that "the correctional program director is attempting to figure out how to implement the [Cares] act," and failed to even mention compassionate release.

See United States v. Brannan No. 4:15-CR-80-01 (SD.Tx April 2, 2020) (though not reflected in order, emergency motion was granted on same day as filing for prisoner who had served only 9 months of a 36 month sentence for fraud at FCI Oakdale and had not exhausted BOP remedies).

Movant has served approximately 6 years of a 10 year sentence for the Non-Violent crime of being a felon in "constructive" possession of a fire arm pursuant to Title 18 § 922 (g)(1) and could potentially be ~~related~~^{cc} released to Home Confinement in approximately 6 to 7 months. As such, Movant wishes to be released to 2300 Silverado Ranch Blvd #1170 Las Vegas, Nv. 89183, to reside with and care for his ailing mother who recently had a stroke on Feb. 28 2020, and after coming home from rehab, Fell and broke 3 ribs on March 24, 2020.

Movant's Immune System has been considerably compromised by his on going health conditions,

which in turn could turn his remaining 6 to 7 months before Home Confinement into a Death Sentence if exposed to the Corona Virus.

Movant is unable to provide self-care within the environment of FCI Safford-Low in light of the growing Covid-19 pandemic because he is Unable to adhere to the social distancing and hygiene requirements in his current Dorm Living conditions. Movant has been quarantined with 118 inmates in a confined space, (in a petri dish) No doors no access to a mop room, inmates are being forced to change mop water in the same showers where all 118 inmates are forced to shower in 1 restroom.

Courts have recently found that the circumstances faced by the prison system during this highly contagious, potentially fatal pandemic are unprecedented and that it is no stretch to call this environment "Extraordinary and Compelling."

Movant has been apprised by BOP Unit Team, that he qualifies for the maximum benefits provided by the First Step Act and also that he was assessed as a low on the pattern test with a low risk of recidivism. It should be noted that there are at least two confirmed cases of Covid-19 in the town of Safford, AZ. It is only a matter of time before it is introduced into this FCI Safford Low Facility.

Conclusion

~~Movant~~ Movant submits that he should not have his remaining "months" of imprisonment potentially turned into a Death Sentence by waiting on this pandemic to attack FCI Safford-Low and that this "Emergency Motion" for sentence Reduction Be Granted and Movant

be Immediately Released.

Dated: April 5, 2020

Respectfully Submitted

Charles E. Cooper Jr.

Charles E. Cooper Jr.

Reg. No. 49219-048

FBI Safford

P.O. Box 9000

Safford, AZ 85548

Certificate of Service

I, Charles E. Cooper Jr. do hereby certify under penalty of perjury that I placed a copy of the foregoing Emergency Motion For Sentence Reduction pursuant to Title 18 § 3532 (c)(4)(A)(i) in the prison officers hands to be mailed via U.S Mail to the clerk of the United States District Court for the District of Nevada to be filed in the District Court.

Dated April 5, 2020

Clerk of the Court

U.S District Court of Nevada
333 Las Vegas Blvd. S.
Las Vegas, NV 89101

Respectfully Submitted

Charles E. Cooper Jr.

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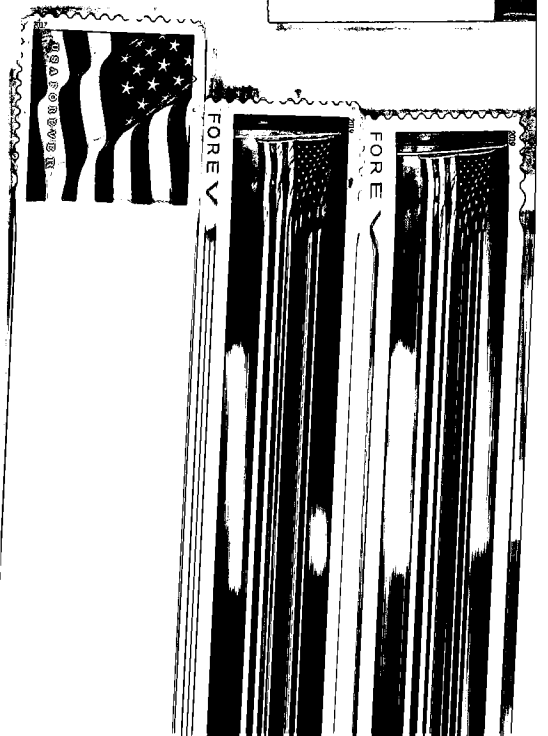
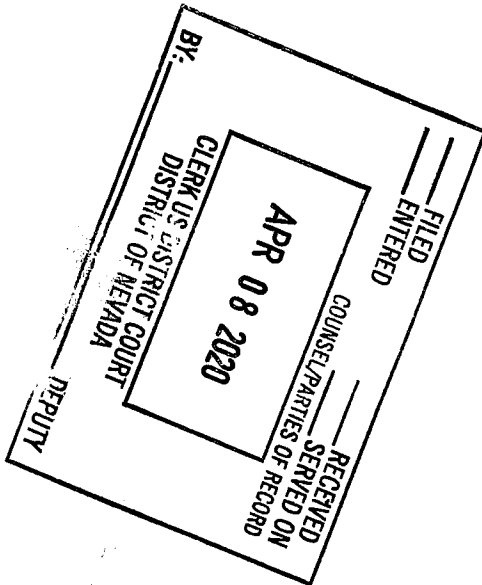
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